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PL II
DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

118856

FILE: B-207842

DATE: July 1, 1982

MATTER OF: Evans Engine and Equipment Co.

DIGEST:

Complaint alleging that grantee's solicitation unduly restricts competition, received at GAO after bid opening, is untimely and will not be considered on merits, since alleged deficiency was apparent on face of solicitation.

Evans Engine and Equipment Co. has filed a complaint with our Office in which it alleges that a procurement of a motor grader by the City and Borough of Juneau, Alaska, partially financed with Federal Aviation Administration (FAA) grant funds, was unduly restrictive of competition. We dismiss the complaint as untimely.

Evans maintains that the solicitation was unduly restrictive of competition because it described a product which is made only by one manufacturer. Such a complaint, however, involving an alleged deficiency apparent on the face of the solicitation must be filed before bid opening or the time for receipt of initial proposals. Brumm Construction Company, B-201613, October 6, 1981, 61 Comp. Gen. _____, 81-2 CPD 280; Cara-velle Industries, Inc., B-202099, April 24, 1981, 81-1 CPD 317. In this case, the bid opening was April 14, 1982 but the complaint was received by our Office on June 10, 1982, almost two months later. Therefore, the complaint is untimely and we will not consider it on the merits.

The complaint is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel